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Attorneys for Defendant Mike Dai

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

| | |
|--|--------------------------------------|
| CREIGHTON TAKATA, individually and on | (|
| behalf of all others similarly situated, | (Civil Action No.: 18-2293 |
| | ((FLW) (ZNQ) |
| Plaintiff, | (|
| | (|
| v. | (|
| | (NOTICE OF MOTION TO DISMISS |
| RIOT BLOCKCHAIN, INC., f/k/a BIOPTIX, | (AMENDED CORRECTED |
| INC., JOHN O'ROURKE, JEFFREY | (COMPLAINT BY DEFENDANT MIKE |
| MCGONEGAL, BARRY HONIG, | (DAI |
| CATHERINE DEFRANCESCO, MICHAEL | (|
| BEEGHLEY, JOHN STETSON, MARK | (|
| GROSSMAN, ANDREW KAPLAN, MIKE | (MOTION DAY: November 4, 2019 |
| DAI, JASON LES, and ERIC SO, | (|
| Defendants. | (<i>ORAL ARGUMENT REQUESTED</i> |
| | (|
| | (|
| | (|

PLEASE TAKE NOTICE that on November 4, 2019, or as soon as the Court deems appropriate, Defendant Mike Dai will appear before the Honorable Freda L. Wolfson, U.S.D.J., at the United States District Court for the District of New Jersey, 402 State Street, Courtroom 5E, Trenton, New Jersey, and will move this Court, pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b),

and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.*, for an Order dismissing Lead Plaintiff's Consolidated Amended Class Action Complaint as to him, including Count II.

PLEASE TAKE FURTHER NOTICE that Mr. Dai shall rely upon the accompanying Memorandum of Law in Support, Declaration of Stephen R. Weingold with exhibits, and all papers submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed order is also submitted for the Court's consideration.

Respectfully submitted,

DORSEY & WHITNEY LLP

By: /s/ Thomas O. Gorman

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on this 30th day of September 2019, copies of the foregoing NOTICE OF MOTION TO DISMISS AMENDED CORRECTED COMPLAINT BY DEFENDANT MIKE DAI, DEFENDANT MIKE DAI'S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS AMENDED CORRECTED COMPLAINT, UNSWORN and DECLARATION OF STEPHEN R. WEINGOLD IN SUPPORT OF MOTION, were filed electronically through the Court's ECF system. Notice of such filing will be sent to all parties of record by operation of the Court's electronic filing system. The parties may access this filing through the Court's system. In addition, Defendant Mike Dai was served by e-mail.

Date: September 30, 2019

Dorsey & Whitney LLP

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